

## REMARKS

### Summary of Office Action

Claims 1-165 are now pending in the above-identified patent application.

The Examiner required that applicant affirm an election of Invention I, as defined by the Examiner.

The Examiner alleged that the Examiner is not required to consider a portion of an October 11, 2002 Information Disclosure Statement submitted by applicant.

The Examiner rejected claims 35-38 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

The Examiner rejected claims 35-38 under 35 U.S.C. § 102(e) as being unpatentable over Shaffer et al. U.S. Patent No. 5,907,608 (hereinafter, "Shaffer").

### Summary of Applicant's Reply

Applicant affirms a provisional election of claims for prosecution in this application.

Applicant has amended claims 35-38 and has added claims 161-165.

Applicant respectfully requests that the Examiner acknowledge the Examiner's consideration of Bueno U.S. Patent Application No. 2002/0013734, which was cited in conformance with 37 C.F.R. §§ 1.97 and 1.98 in the October 11, 2002 Information Disclosure Statement. A copy of a Form PTO-1449 from that Statement is enclosed herewith.

### Applicant's Affirmation of Provisional Election

The Examiner stated that on or about February 4, 2004, the undersigned provisionally elected to prosecute

claims 35-38, alleged by the Examiner to be part of Invention I. The Examiner alleged in the Office Action that claims 1-34 and 39-160 are part of Invention II and that Inventions I and II are distinct. Applicant hereby affirms, without traverse, the election of Invention I. Applicant respectfully reserves the right to pursue non-elected claims in one or more divisional or continuation applications.

Applicant's Reply to the  
Rejections Under 35 U.S.C. § 101

Claims 35-38 were rejected under 35 U.S.C. § 101 as being directed to allegedly unstatutory subject matter. Claims 36-38 depend directly or indirectly from claim 35, which is independent. Applicant has amended claim 35 to recite that a service provider offers a service in a recited area. Because the claimed method is for determining if an entity lies within the area in which a service is offered, applicant respectfully submits that the claimed method produces a useful, concrete and tangible result and that the Examiner's rejection under 35 U.S.C. § 101 has been overcome.

Applicant's Reply to the  
Rejections Under 35 U.S.C. § 102(e)

Claims 35-38 were rejected under 35 U.S.C. § 102(b) as being anticipated by Shaffer U.S. Patent No. 5,907,608 ("Shaffer"). Applicant has amended claim 35 to require transferring to a browser a function configured for determining if a location lies within an intersection between a zone and an area. Applicant respectfully submits that Shaffer does not show or suggest transferring to the browser a function configured for determining if a location lies

within an intersection between a zone and an area, and that, therefore, the Examiner's rejections under 35 U.S.C. § 102 have been overcome.

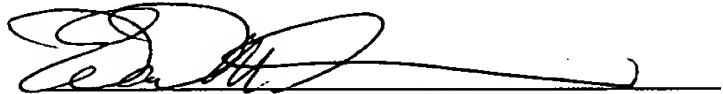
Applicant has added new claims 161-165 that depend from claim 35.

No new matter has been added by the foregoing claim amendments or additions.

### Conclusion

For at least the reasons set forth above, applicant respectfully submits that amended claims 35-38 and 161-165 are patentable and that this application is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,



Edward M. Arons (Reg. No. 44,511)  
Agent for applicant  
FISH & NEAVE  
Customer No. 1473  
1251 Avenue of the Americas  
New York, New York 10020-1105  
Tel.: (212) 596-9000  
Fax: (212) 596-9090